THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.NO.25171 OF 2005

Dt.25.11.2005

Between:

Sudhabhathula Sathi Raju

… Petitioner

And

The Regional Joint Commissioner of

Endowments, Multi Zone, Kakinada,

and two others. … Respondents

ORDER:

Heard the learned counsel for the petitioner as well as the learned Government Pleader for Endowments and the learned counsel appearing on behalf of the 3rd respondent.

Though the petitioner questions the order of the Regional Joint Commissioner of Endowments, Multi Zone-I, Kakinada, dated 2.8.2005 made in appeal No.186 of 2005 in this writ petition as illegal and contrary to Section 82 of the A.P.Charitable and Hindu Religious Institutions and Endowments Act 1987, the learned counsel for the petitioner fairly submits that the petitioner is not aggrieved by the findings of the first respondent in so far as holding that the petitioner is not a small farmer. But, however, it is stated that the petitioner has

raised banana and papaya crops in the lands belonging to the 3rd respondent temple and he has also deposited mukta for this year and he may be permitted to harvest the said crops up to March-April, 2006.

The learned counsel for the 3rd respondent as well as the Government Pleader for respondents 1 and 2 submit that in the absence of any application filed by the petitioner before the 3rd respondent, the said request of the petitioner cannot be considered by this Court.

The petitioner submits that he has raised banana and papaya crop by investing huge amounts and he has requested the respondents to permit to harvest the said crops, but the said question has not at all been decided whether the petitioner shall be permitted or not, but, having regard to the facts and circumstances of the case, the petitioner is permitted to file a representation before the 3rd respondent within one week from the date of receipt of a copy of this order. If any such representation is filed, the 3rd respondent shall examine the same and pass appropriate orders within a period of three weeks thereafter.

The writ petition is accordingly disposed of. No costs.

(V.ESWARAIAH, J.)

25.11.2005

Note: Issue copy within three days

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